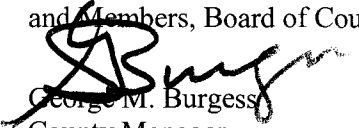




MEMORANDUM OFFICE OF THE COUNTY MANAGER

Agenda Item No. 7(A)(1)(B)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed. D. DATE: October 19, 2004
and Members, Board of County Commissioners

FROM:  George M. Burgess
County Manager

SUBJECT: Ratification of Acceptance and
Execution of a Supplemental Joint
Participation Agreement with the Florida
Department of Transportation

RECOMMENDATION

It is recommended that the Board adopt the attached resolution ratifying the actions of the County Manager, pursuant to the provisions of the Aviation Department's Expedite Ordinance 95-64, codified as Section 2-285(6) of the Miami-Dade County Code, in accepting and executing a Supplemental Joint Participation Agreement (SJPA) with the State of Florida Department of Transportation (FDOT) in connection with runway improvements at Kendall-Tamiami Executive Airport, Project Number 41457619401. Under this SJPA, the County will be able to use the entire \$500,000 of FDOT funding previously awarded for runway improvements for which the County would otherwise be required to return a significant portion of the grant because the percentage of grant funds to project cost would exceed the allowable amount.

BACKGROUND

On July 8, 2003, the Board approved (R-783-03) a Joint Participation Agreement (JPA) with the FDOT whereby the FDOT agreed to provide \$500,000 in fiscal year 2002-2003 funding in support of runway improvements at Kendall-Tamiami Executive Airport (TMB).

However, the Federal Aviation Administration (FAA) recently decided to increase its funding of runway improvements at U.S. airports, including TMB. By obtaining FAA funding for the same project, the combined total percentage of FAA and FDOT grants would exceed the allowable percentage of grant funds for the project. Consequently, the County was facing the loss of a significant portion of FDOT's \$500,000 funding. As a solution, the Aviation Department and the FDOT have agreed that the \$500,000 could be applied instead to another project at TMB that was also eligible for FDOT grant funds. This SJPA will allow for the FDOT grant funds to be used to pay for taxiway and apron improvements at TMB provided that the County agrees to amend the original JPA to include the taxiway and aprons.

Accordingly, the original JPA needs to have its scope of work changed from "runway improvements" to "pavement milling and overlays on taxiways and aprons at Kendall-Tamiami G.A. Airport."

Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members, Board of County Commissioners
Page 2

By changing the JPA's scope of work in this manner, the original \$500,000 funding originally intended for runway improvements will be available to the County for taxiway and apron improvements and will allow the entire \$500,000 previous grant award to be used without a reduction in the FDOT funding commitment.

This taxiway and apron improvement work is well suited to be funded through FDOT since it will complement the runway improvement work to be implemented with the FAA funding.

The \$500,000 FY02-03 allocation will now be applied as follows:

<u>JPA #</u>	<u>Project Description</u>	<u>FY02-03 FDOT Funding</u>	<u>Total FDOT Funding</u>
41457619401	TMB – Pavement, Milling and Overlay	\$500,000	\$500,000

In addition to a change in scope, the SJPA allows for an extension of the ending date of the agreement from January 20, 2005 to June 30, 2006 to incorporate the delays that will be incurred as a result of this change in scope and the associated additional construction time.

ALTERNATIVE

By ratifying the Manager's acceptance of this SJPA, the County will be able to use the entire \$500,000 of FDOT funding previously awarded for runway improvements for which the County would otherwise be required to return \$375,000 which is a significant portion of the grant because when combined with the intended FY04 Federal Aviation Administration (FAA) runway improvement funding for the same project, the total percentage of grant funds would exceed the allowable percentage for the project. Ratification of the County Manager's actions in accepting this SJPA is therefore recommended.



Assistant County Manager




MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: October 19, 2004

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(A)(1)(B)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 7(A)(1)(B)

Veto _____

10-19-04

Override _____

RESOLUTION NO. _____

**RESOLUTION RATIFYING COUNTY MANAGER'S
EXECUTION, PURSUANT TO THE PROVISIONS OF
SECTION 2-285(6) OF MIAMI-DADE COUNTY'S CODE,
OF A SUPPLEMENTAL JOINT PARTICIPATION
AGREEMENT WITH THE FLORIDA DEPARTMENT OF
TRANSPORTATION UNDER FINANCIAL PROJECT
NUMBER 41457619401 TO ALLOW THE FUNDING TO BE
APPLIED TO DIFFERENT PROJECTS THROUGH AN
AMENDMENT OF THE SCOPE OF WORK CONTAINED
THEREIN**

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum and document, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board approves, ratifies and confirms the actions of the County Manager, pursuant to the provisions of Section 2-285(6) of the Miami-Dade County Code, in accepting and executing a Supplemental Joint Participation Agreement (SJPA) under Financial Project Number 41457619401 between Miami-Dade County and the State of Florida, Department of Transportation, by which \$500,000 in grant funds designated for runway improvement work at Kendall-Tamiami Executive Airport may be applied instead to pavement milling and overlays on taxiways and aprons at such airport, such work to be effected through a change in the scope of work contained in the original Joint Participation Agreement as reflected in the SJPA attached hereto and made a part hereof.

The foregoing resolution was offered by Commissioner _____, who
moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this
19th day of October, 2004. This Resolution and contract, if not vetoed, shall become
effective in accordance with Resolution No. R-377-04.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. TPA

Thomas P. Abbott

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STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT
Number 1

725-030-07
PUBLIC TRANSPORTATION
07/02
Page 1 of 5

Financial Project No.: <u>41457619401</u> (item-segment-phase-sequence)	Fund: <u>DS</u>	FLAIR Approp.: <u>088719</u>
Contract No.: <u>AN336</u>	Function: <u>637</u>	FLAIR Obj.: <u>750004</u>
Catalog of Federal Domestic Assistance Number: _____	Federal No.: _____	Org. Code: <u>55062020628</u>
		Vendor No.: <u>F596000573258</u>
		Catalog of State Financial Assistance Number: <u>55004</u>

THIS AGREEMENT, made and entered into this _____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter referred to as the Department, and Miami-Dade Florida by and through MDAD.
P. O. Box 592075, Miami Florida 33159-2075
hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on the 28th day of May, 2003, entered into a Joint Participation Agreement; and

WHEREAS, the Agency desires to accomplish certain project items as outlined in the Attachment "A" appended hereto; and

WHEREAS, the Department desires to participate in all eligible items for this project as outlined in Attachment "A" for a total Department Share of \$500,000.00.

NOW, THEREFORE THIS INDENTURE WITNESSETH: that for and in consideration of the mutual benefits to flow from each to the other, the parties hereto agree that the above described Joint Participation Agreement is to be amended and supplemented as follows:

1.00 Project Description: The project description is amended
Pavement milling and overlays on taxiways and aprons at Kendall-Tamiami G.A. Airport.

RECEIVED

MAY 17 2004

MANAGER OF
DEVELOPMENT

6

2.00 Project Cost:

Paragraph 3.00 of said Agreement is increased by \$ 0.00
bringing the revised total cost of the project to \$ 1,000,000.00

Paragraph 4.00 of said Agreement is increased by \$ 0.00
bringing the Department's revised total cost of the project to \$ 500,000.00

3.00 Amended Exhibits:

Exhibit(s) "A" of said Agreement is amended by Attachment "A".

4.00 Contract Time:

Paragraph 18.00 of said Agreement June 30th, 2006

Financial Project No. 41457619401

Contract No. AN336

Agreement Date _____

ATTACHMENT "A"
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

This Attachment forms an integral part of that certain Supplemental Joint Participation Agreement between the State of Florida, Department of Transportation and Miami-Dade Florida by and through MDAD.

P. O. Box 592075, Miami Florida 33159-2075

dated _____

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

This supplemental agreement only changes the scope of work.

I.	Project Cost:	As Approved	As Amended	Net Change
		\$1,000,000.00	\$1,000,000.00	\$0.00
	Total Project Cost	\$1,000,000.00	\$1,000,000.00	\$0.00
I.	Fund Participation:	As Approved	As Amended	Net Change
	Department:	\$500,000.00	\$500,000.00	\$0.00
	Agency:	\$500,000.00	\$500,000.00	\$0.00
	n/a			\$0.00
	Total Project Cost	\$1,000,000.00	\$1,000,000.00	\$0.00

Comments:

Financial Project No. 41457619401

Contract No. AN336

Agreement Date

Except as hereby modified, amended or changed, all other terms of said Agreement dated May 28th, 2003
and any subsequent supplements shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first
above written.

AGENCY

FDOT

Miami-Dade Florida by and through MDAD.

See attached Encumbrance Form for date of
Funding Approval by Comptroller

AGENCY NAME
Bill Johnson
SIGNATORY (PRINTED OR TYPED)
Bill Johnson
SIGNATURE

TITLE

LEGAL REVIEW
DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION
D-6 Director of Planning & Public Transportation
TITLE

Approved as to form
and legal sufficiency

Dr. Palpe
Assistant County Attorney

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL

Contract #AN336 Contract Type: AG Method of Procurement: G
Vendor Name: MIAMI DADE COUNTY AVIATION DEPT.
Vendor ID: VF596000573258
Beginning date of this Agmt: 01/22/03
Ending date of this Agmt: ~~01/20/05~~

06/30/06

Description: ~~Runway Overlay and Pavement Rejuvenation~~

Pavement milling & overlays on twys & aprons @ TMB.

ORG-CODE	*EO	*OBJECT	*AMOUNT	*FIN PROJECT	*FCT
(FISCAL YEAR)		*BUDGET ENTITY		*CATEGORY/CAT YEAR	
AMENDMENT ID		*SEQ.	*USER ASSIGNED ID	*ENC LINE(6S)/STATUS	

Action: ORIGINAL

Funds have been: APPROVED

55 062020628	*PT	*750004	*	500000.00	*41457619401	*016
2003		*55100300			*088719/03	
0001		*00	*		*0001/04	

TOTAL AMOUNT: *\$ 500,000.00 *

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER
DATE: 01/22/2003